

REMARKS

The office action and the references cited therein have been carefully considered together with the present application and amendments have been made to independent claims 1 and 19 to more clearly distinguish these claims over the prior art that has been cited and applied.

The examiner has rejected claims 1-3, 5, 6, 13, 14, 16, 19 and 20 under 35 U.S.C. 102(e) as being anticipated by Phillips which the examiner states shows all of the recited limitations of the claim. The examiner also rejected claims 1-3, 13, 14, 19 and 20 as being anticipated by Albrightson which the examiner also indicates shows all of the recited limitations of these claims.

It is respectfully submitted that neither Phillips nor Albrightson anticipate, teach nor suggest the subject matter of claims 1 and 19 as amended.

Phillips fails to anticipate, teach or suggest the scroll collar and reciprocating tool assembly as claimed in amended claim 1. While Phillips has a scroll assembly 200 that permits the assembly to rotate around a rotational axis that is generally parallel to the reciprocating motion axis as described in column 6, lines 53-60 and shown in FIG. 4A and 4B, it is readily apparent that the entire assembly 200 is rotatable which includes the blade itself.

Albrightson is directed to a right angle accessory saw that has a drive shaft housing 12 to which a saw head 13 is attached. The saw head 13 is rotatable relative to the drive shaft housing 12. It is clear that the blade must rotate if the saw head is rotated as is set forth at column 4, lines 47-49, which states that the noncircular configurations of the aperture 92 and the exterior end 93 allow translation of rod 64 (which holds the blade) but prohibit any rotation thereof, unless the entire saw head itself is rotated. It is submitted that Albrightson does not have a scroll collar at all, but merely has a saw head 13 which corresponds to either a support structure or a working end in applicant's claims. With either interpretation, Albrightson fails to have a scroll collar of the type claimed in claims 1 and 19.

Amended claim 1 now comprises a reciprocating tool having a housing and a working end to which a reciprocating tool blade can be attached, a support structure on said housing adjacent said working end and a generally cylindrical scroll collar carried by said support structure and configured to rotate relative to said support structure and an attached reciprocating tool blade around a scroll collar axis. Clearly, the claimed scroll collar is rotatable relative to *both* the support structure and tool blade which is not the case with regard to either the Phillips or the Albrightson structures. The claimed scroll collar is patentably different from either of these references, applied singularly or in combination with one another or in combination with any of the other art of record.


Claim 19 now claims a reciprocating tool that comprises, *inter alia*, a generally cylindrical scroll collar mounted for rotation on said support structure such that said scroll collar is rotatable relative to said support structure and an attached tool blade. Neither Albrightson nor Phillips anticipate, teach or suggest the reciprocating tool of claim 19 because they fail to anticipate, teach or suggest the scroll collar element as claimed.

The dependent claims necessarily include the subject matter of the claims from which they depend and in addition define other features or functionality that are not present in those claims and are therefore also in condition for immediate allowance.

For the foregoing reasons, reconsideration and allowance of all pending claims is respectfully requested.

Respectfully submitted,

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